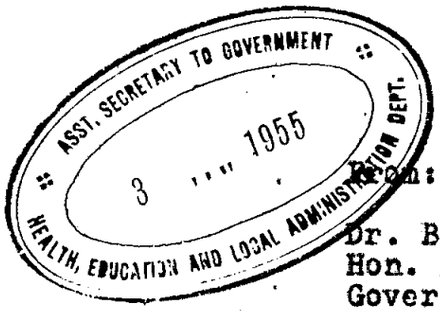
Closed file

WEL 47(42)

Memo. No. 140-H2/55-2-Health
1-3-55

Honorary Medical officers Govt Head Quarters Hospital Bangalore Dr. B.R. Hegde Honorary Asst. Medical officer

Restricting policies acquired- in warning issued to him



Mangalore-3,
28th December 1954.

From:

Dr. B.R. Hegde, L.M.P.,
Hon. Assistant Medical Officer (V.D. Dept.),
Government Head Quarters Hospital,
Mangalore-1.

To:

The Secretary to Government,
Public Health Department,
Fort St. George,
Madras.

Through:—

(1) The District Medical Officer,
South Kanara,
Mangalore.

(2) The Director of Medical Services,
Madras.

Most Respectfully Sheweth,

That I, as Registered Medical Practitioner, had submitted a petition to the President, Madras Medical --- Council in February 1954 in connection with a Certificate issued by me to one of my private patients viz., D. M. Shamshuddeen, Clerk, Highways Department, Mangalore. A copy of the petition with enclosures is herein enclosed for favour of your reference.

2. The District Medical Officer in his confidential communication dated 11-9-1954 (copy enclosed) asked me to state the circumstances under which my petition was sent direct instead of through the Superintendent of the Hospital. He further stated in the memo that the rules and regulations pertaining to sending of applications through the proper channel applied also to the Honorary Medical Officers.

3. In reply to the District Medical Officer's confidential communication, I submitted that my petition to President, Madras Medical Council, was in my private

capacity and the same had nothing to do with my position as Honorary in the Government Head Quarters Hospital.

P.15-A, A copy of my reply dated 15-9-1954 is enclosed.

4. To my great surprise and sorrow, I have been served with a confidential communication from the Director of Medical Services, Madras bearing No. R. 30952/E1/54 -- dated 29-10-1954 (copy enclosed) inflicting a warning that I should not adopt such a procedure in future.

P.17

5. The Director of Medical Services in his confidential communication cited above says that the explanation submitted by me to the District Medical Officer is not satisfactory; but he does not say why. He further says that the question on which my petition to the Madras Medical Council was sent is one connected with the hospital in-as-much-as certain allegations against the District --- Medical Officer were made in it in the matter of leave --- granted to a Government servant. In this connection, while I wish to categorically state that the presumptions of the Director of Medical Services are totally unfounded, I particularly wish to submit that what I did purely in my private capacity as a General Practitioner is sought to be misconstrued by the Department as an act done in my official capacity, simply because I happen to be an Honorary in a Government Hospital.

6. Under the rules, punishment of "Warning" is not an appealable punishment. But in the present case, warning has been administered arbitrarily. The Director of Medical Services did not frame any specific charge against me nor did he give me an opportunity to explain any such charge.

I therefore humbly request that the Government

may be pleased to kindly review the case in its true perspective and set aside the order of the Director of Medical Services and do me justice as I do not merit the punishment.

I further pray that I may be given an opportunity to represent my case in person, for which act of kindness and justice I shall remain grateful.

Yours faithfully,

B R Hegde

Hon. Asst. Medical Officer,
V. D. Department,
Government Head Quarters Hospital,
Mangalore.

Copy submitted direct.

H.E.L.A.(HQ)

The original of the petition submitted through the D.M.S. may be awaited till 25-1-55.

6/1/55

7-1-55

6.1.55

11/1/55

Mangalore-3,
15th February 1954.

From:

Dr. B.R. Hegde, L.M.P.;
Registered Medical Practitioner,
Mangalore-3.
(South Kanara District).

To:

The President,
Madras Medical Council,
Madras.

S i r,

I am constrained to place before the Madras Medical Council the following facts for its careful consideration and suitable action.

One Sri D.M. Shamshuddeen, Clerk, Highways Department, in Mangalore has been under my treatment from about the --- middle of October 1953 for complaints of persistent cough and fever of about a month's duration. The previous history of the patient is that he was suffering from pleurisy with effusion in 1946 and had to be treated for about 18 months and again in 1951 he was treated for about four months for a re-activation of the disease.

On 17-11-1953 during the course of ambulatory treatment by me lasting for about a month, I got an X-ray photo of his lungs taken and also consulted Dr. M. Umesh Rao, L.M.& S., T.D.D. (Wales), Honorary Physician, Government Head Quarters Hospital, Mangalore and we came to the conclusion that the patient was suffering from Reactivation of Pulmonary Tuberculosis. A copy of the Medical opinion given by Dr. M. Umesh Rao dated 17th November 1953 is enclosed. In view of this finding, I advised the patient to take rest in bed and also to undergo treatment with immediate effect. Accordingly --- I issued him a certificate recommending leave for a period of two months from 17-11-1953. I stated in the certificate that the patient was suffering from chronic Bronchities, as Tubereule ~~xxxxxx~~ Bacilli were not seen in the sputum.

While he was under my treatment for Pulmonary Tuberculosis he received an order from his office directing him to appear before the District Medical Officer, South Kanara, Mangalore. I advised the patient to request the District Medical Officer to examine him at his residence as he was febrile at the time. On a written requisition to the District Medical Officer by the patient, Dr. W.J.C. Rebello, M.B.,B.S., D.G.O., District Medical Officer in charge, examined the patient in his house in my presence when the skiagrams of the chest of the patient were also made available to him. After examining the patient Dr. Rebello was of opinion that he was suffering from Pulmonary Tuberculosis and recommended the leave for two months applied for by the patient.

While the patient was under my treatment he received anogher communication from his office asking him to appear before the District Medical Officer again. In obedience to the order, the patient Sri Shamshuddeen aappeared before the District Medical Officer who admitted him into the --- Hospital and kept him under observation from 22-12-1953 when my treatment had to be discontinued. At this time i.e., on or about 20-12-1953 the patient had become afebrile and was also showing general improvement having been under treatment for more than one month by then.

It would appear that the District Medical Officer after keeping the patient under observation for one week discharged him from the Hospital declaring him fit for duty. But the Clerk did not join duty as he was diffident about his health and submitted a petition to his Department --- narrating the details of his sickness both present and past and requested the Head of his Office to sanction the leave already applied for by him. A copy of the said petition is enclosed.

He also came and told me that the District Medical Officer had declared him fit for duty but he was not feeling fit to work by joining duty and also complained that there was rise in temperature since his discharge from the Hospital. I was also not satisfied that he was in a fit condition to join duty. I asked him to record his temperatures in the evenings for a few days and on finding that it was showing a slight rise in the evenings directed him to Dr. V.R. Bhat, M.B.,B.S., T.D.D., Honorary Assistant Medical Officer, Tuberculosis Department, Government Head Quarters Hospital, Mangalore to examine the condition of the patient and also sought his opinion and advise for the management of the case. After making necessary investigations and examining the patient, Dr. V.R. Bhat recommended rest ~~and~~ in bed and treatment for a further period of 10 weeks from 11-1-1954. Copies of his --- opinion and X-ray report are enclosed.

Accordingly the patient applied for a further extension of leave by three months from 11-1-1954 and the Highways Department has granted the leave applied for by the patient and also the further extension of leave by three months. The ---- patient is again under my treatment.

I have narrated the above factsinodetail in order that the Medical Council may fully realise the sad and helpless --- position in which a Medical Practitioner is placed inasmuch as he is unable to give medical help to patients under his treatment and to obtain necessary leave for them simply because the diztrict Medical Officer is not of his opinion even though --- expert opinion on his case supports his own opinion.

In the circumstances, I request that the Medical Council will appreciate the fact that this matter is one which vitally affects the professional independence of a Medical Practitioner and also that it adversely affect the liberty of patients of

selecting medical men of their own choice.

For purpose of your easy reference, I am stating below the various events in their chronological order:

1. Patient recommended for two months rest and treatment by me in consultation -- with Dr. M. Umesh Rao, L.M.& S., T.D.D. (Walres).	on 17-11-1953
2. Patient examined by Dr.W.J.C. Rebello, M.B.,B.S., D.G.O., District Medical --- Officer in charge, who confirmed the -- recommendation for two months leave.	On 4-12-1953
3. Patient examined by Dr. R.S. Keshavaraj, M.B.,B.S., District Medical Officer and declared fit for duty.	On 29-12-1953
4. Patient examined by Dr. V.R. Bhat, M.B., B.S., T.D.D. who found active lesions in both the lungs and recommended further rest and treatment for ten weeks.	On 11- 1-1954

In conclusion, I request that the above representation may receive your careful consideration as early as possible and in the meantime I may be kindly informed as to what --- other steps I should take in this matter to get the grievances redressed.

Yours faithfully,
(Signed) B.R. Hegde,
Registered Medical Practitioner.

Enclosures: Four.

Copy submitted to:

The Director of Medical Services, Madras for information.

(TRUE COPY)

V:R. Bhat, M.B.,B.S., T.D.D.,
Hon. Asst. Medical Officer
(Tuberculosis Department)
Govt. Head Quarters Hospital.

Hampankatta,
Mangalore, 11-1-1954.

This is to certify that I have today personally --- examined Mr. D.M. Shamshuddeen, aged 50 years and find that he has tuberculosis infiltrations in the apices of both lungs, and in the infraclavicular region of the left lung. In my opinion he requires rest in bed and treatment for the next -- ten weeks.

(Signed) V. R. Bhat.

(TRUE COPY)

CHITRA X-RAY CLINIC.

Medical Officer
V.R. Bhat, M.B.,B.S.,T.D.D.

Hempankatta,
Mangalore, S. Kanara.

Name: Mr. D.M. Shamshuddin. Age: 50. Sex: Male.

Address: Clerk, Divisional Engineer's Officer(Highways) Mangalore.

Case referred by Dr. B.R. Hegde, L.M.P., Mangalore.

Report on X-Ray Chest.

Thoracic cage and ribs. ...	Normal.
Trachee.	Normal.
Disphragam.	Normal.
Heart.	Normal.

	Right Lung.	Left Lung.
Cardio-phrenic Angle.	Clear.	Hazy.
Costo-phrenic Angle.	Clear.	Clear.
Hilar & Perhiler Regions.	Increased markings.	Increased markings.
Upper Zone.	Small spots of dense opacity in the spex.	Spots of opacity in the apex below the clavicle.
Middle Zone.	Nil.	Nil.
Lower Zone.	Nil.	Nil.

Diagnosis: Pulmonary Tuberculosis, chrisic fibrotic type in the apices of both lungs and infraclavicular region of left lung.

Date: 11-1-1954.

(Signed) V.R. Bhat,
Medical Officer.

(TRUE COPY)

CONFIDENTIAL.

Office of the District Medical Officer,
South Kanara, Mangalore, d/11-9-1954.

To:

Dr. B.R. Hegde, Honorary Asst. Medical Officer, Government Head Quarters Hospital, Mangalore.

Ref:- Your petition to the President, Madras Medical -- Council, Madras regarding Sri D.M. Shamshuddeen, Clerk, Highways Department.--

---

It is observed that you had sent a petition to the President, Madras Medical Council, Madras direct in matters dealt with in the Hospital without the knowledge of the Superintendent of the Hospital. You are therefore requested to state the circumstances under which the petition was sent direct instead of forwarding through the Superintendent of the Hospital. The rules and regulations pertaining to the sending of application through the proper channel applies also to the Honorary Medical Officers.

The reply should reach this office within a week from the date of this reference.

(Signed)

District Medical Officer,
South Kanara, Mangalore.

(TRUE COPY) BRHegde 2/12/54

CONFIDENTIAL.

Mangalore,
15th September 1954.

From:

Dr. B.R. Hegde, L.M.P.,
Hon. Asst. Medical Officer,
Government Head Quarters Hospital,
Mangalore.

To:

The District Medical Officer,
South Kanara District,
Mangalore.

Sir,

Ref:- Your communication marked "Confidential" and dated 11-9-1954.

I submit that my petition to the President, Madras Medical Council, regarding my private patient Sri D.M. Sham-Shuddeen Saheb, Clerk, Highways Department, Mangalore was sent in my private capacity as Medical Practitioner. My position as Honorary Assistant Medical Officer, Government Head Quarters Hospital, Mangalore has no relation to that petition.

Yours faithfully,
(Signed) B. R. Hegde,
Hon. Asst. Medical Officer.

(TRUE COPY) BR Hegde 2/11/54

CONFIDENTIAL.

R. 38752-E1/54.

Office of the Director of Medical Services, Madras-6. D/29-10-1954.

Sub: Medical Institutions - Government Head Quarters Hospital, Mangalore - Issue of a Medical Certificate - Report of Dr. B.R. Hegde, Hon. Asst. Medical Officer, Venereal Diseases Department to the Registrar, Madras Medical Council, Madras.

Ref:- Letter C/54 dated 28-9-1954 from the District Medical Officer, South Kanara, Mangalore.

The explanation of Dr. B.R. Hegde, Honorary Assistant Medical Officer, forwarded with his letter cited, is not satisfactory. The question on which the Honorary Assistant Medical Officer addressed the Registrar, Madras Medical Council, is the one connected with the Hospital, inasmuch as he has brought --- therein certain allegations against the District Medical Officer in granting leave to a Government Servant. The argument of the Honorary Assistant Medical Officer that his petition is one not connected with the Hospital is not therefore correct. T h e Honorary Assistant Medical Officer is, therefore, warned that he should not adopt such a procedure in future.

(By Order)

(Signed) H. Rajagopalan,
Assistant to the Director of Medical Services (Administration).

To

Dr. B.R.Hegde, Honorary Assistant Medical Officer.
Through
The District Medical Officer, South Kanara, Mangalore.

(True copy) B.R.Hegde 2/12/54

MELA (HI)

Memo No. 140-HI/55-1-Health, Dt. 7-2-55.

Hony. Medical Officers - Govt.
Headquarters Hospital, Bangalore -
Dr. B.R. Hegde, Hony. A.M.O. - petition
against a warning issued to him.

Ref: From Dr. B.R. Hegde, petition dt. 11-1-55.

pp. 1-3 ✓

The D.M.S is requested to forward to the Govt., with his remarks the original of the petition cited which has been submitted through him.

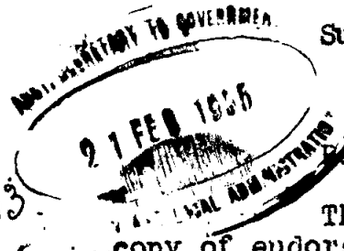
Dated The D.M.S

Section Officer's Initials.

4.2.55

Confidential.

Endt. No. 3749-E.2/55. Office of the Director of Medical Services, Madras 6, D/- 18 February 1955



Sub:-Honorary Medical Officers - Govt. Headquarters hospital, Mangalore - Dr. B.R.Hegde, Honorary Assistant Medical Officer - Petition against the warning issued to him -

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Ref:-Government memo. No. 140 HI/55-1 H.,dated 7-2-55.

The petition dated 28-12-54 from Dr.B.R.Hegde together with a copy of endorsement C.No. 7/55 dated 11-1-55 of the District Medical Officer, South Kanara, is forwarded herewith.

2. Dr. Hegde, Honorary Assistant Medical Officer, Govt. Headquarters hospital, Mangalore, sent a petition dated 15-2-54 connected with the hospital and the District Medical Officer direct to the Registrar, Madras Medical Council, regarding the issue of medical certificate for the grant of leave to one Sri D.M.Shamshuddin, clerk, Highways department, Mangalore. The Registrar, Medical Council, thereupon called for the remarks of the District Medical Officer, Mangalore. A copy of his remarks dated 24-5-54 is enclosed for the information of Government. The action of the Honorary Assistant Medical Officer in having addressed the Registrar, Madras Medical Council, direct on matters dealt with in the hospital without the knowledge of the Superintendent of the hospital was irregular and his explanation was called for. As his explanation was not satisfactory, he was warned in this office R.No. 38752-E.1/54, dated 29-10-54 that he should not adopt such procedures in future.

The contention of the Honorary Assistant Medical Officer in the appeal is, that his petition to the Registrar, Medical Council, was in his personal capacity as a Medical Practitioner and not as an Honorary Medical Officer in the Govt. hospital. In as much as the petition related to matters dealt with in the hospital and also about some complaint against the Superintendent of the hospital, I consider that his explanation cannot be accepted. The warning issued to the Honorary Assistant Medical Officer may stand.

for Director of Medical Services.

To

The Secretary to Government, Health, Education and Local Administration Department, Madras.

Copy of endorsement of theDistrict Medical Officer, South Kanara, C.No. 7/55 dated 11-1-55.

F o r w a r d e d.

PARA. 6: -- Dr. B.R.Hegde was asked to explain regarding his action in addressing the Registrar direct on the matter concerning th action of the Superintendent of the hospital in his official capacity. Dr. Hegde has questioned the action of the Superintendent in disposing of a requisition for examination of an official of the Highways department. His excuse that it was done in his private capacity while he is an Honorary Medical Officer in the hospital is untenable as he is bound by the rules governing the Honorary Medical Officer. The practitioner who is also an Honorary in a hospital cannot divest himself of any connection in the hospital to suit his convenience. The remarks made by the Director of Medical Services need not be expunged.

Copy of letter of the District Medical Officer, South Kanara to the Registrar, Madras Medical Council, Madras, dated 24-5-54.

One Sri D.M.Shamsuddin, clerk, Highways department, Mangalore was referred to me on 24-11-53 by the Highways Engineer for second medical opinion for the grant of sick leave. The clerk did not appear before me. During my absence from the headquarters, the Assistant District Medical Officer, Dr. W.J.C.Rebello was made to examine the clerk in his house as he was not supposed to be in a position to go to the hospital. The action of the Assistant District Medical Officer in examining Government servant sent for second medical opinion during the short absence of the District Medical Officer, in a hurry taking advantage of th

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absence of a District Medical Officer from the Headquarters for a few days i.e., 5 days, and without making proper observations and investigation of the clerk in recommending the leave especially when Dr. B.R.Hegde has diagnosed him to be suffering from chronic Bronchitis and the Assistant District Medical Officer Dr. W.J.C.Rebello diagnosed him to be suffering from Pulmonary tuberculosis, was improper and necessary departmental action was taken against him. I was unaware of the disposal of the requisition addressed to me, the Assistant District Medical Officer did not care to inform me, till one day I realised that a requisition from the Highways Engineer was pending disposal and on referring to the file found that it was disposed off by the Assistant District Medical Officer. An explanation was called for from him. As I suspected that there was a motive in having a quick disposal of the requisition during my short absence, I had the clerk admitted into the hospital and kept him on observation from 22-12-53 to 29-12-53. His temperature remained normal, he put on 3 lbs. weight during that period. All investigations including repeated sputum examinations and x-ray were taken, as no abnormal was found, he was made fit to join duty. The temperature etc. was recorded by the nurses and the patient was in sub charge of the ward Medical Officer. The Assistant District Medical Officer was in sub-charge of the whole hospital and had access to the patient. The Honorary V.D.Assistant Surgeon Dr. B.R.Hegde is also working in the same hospital. The petition contains misstatements and I feel it is a manoeuvred one by some of the Honorary Medical Officers of the hospital probably with the connivance of the Assistant District Medical Officer. The Honorary Medical Officers have reason to plot and have the petition drawn as they found that they could not get medical leave for their clients if they are not suffering from any appreciable disease. It is common knowledge that som Government servants apply for leave on medical certificate for reasons other than medical grounds and the Government rule is to send such Govern -ment servants to the District Medical Officer for second medical opinion

Now the petition proper:-

It was alleged that Sri Shamsuddin was suffering "Pleurisy with---effusion in 1946 and has to be treated for 18 months and again in 1951 he was treated for 4 months for a reactivation of the disease". Sri Shamsuddin was not on sick leave in 1949-50 or 1951.

Certificate by Dr. Umesh Rao that the patient was suffering from Pulmonary tuberculosis on 17-11-53; I was unaware of this opinion. The x-ray taken by me on 24-12-53 did not show any appreciable disease. It should be noted that inspite of Dr. Umesh Rao who is a diploma holder in T.B. diagnosing the case as T.B., Dr. B.R.Hegde who is doing V.D.work calls the condition as "chronic Bronchitis, as tubercular bacilli were not seen in the sputum". How a case of sputum negative T.B. can become Chronic Bronchitis is not known. It should also be noted that Dr. B. R. Hegde has not attached much value for the diagnosis of Dr. Umesha Rao.

Dr. Rebello, MBBS-.DGO., Assistant District Medical Officer examines the patient in his house and inspite of the conflicting medical opinions - tuberculosis and chronic bronchitis - diagnosed the case in a few minutes without keeping the patient under observation especially when the person was requisitioned by the head of his department in the district, to appear before the District Medical Officer for second opinion.

I did the proper thing under such circumstances of admitting the patient, keeping under observation - making all possible investigations including x-ray. The patient's condition was good, his movements were normal; temperature remained normal and he gained 3 lbs. in weight in the hospital and I was of opinion that the patient had no appreciable disease.

The certificate from Dr. V.R.Bhat, MBBS.,TDD.,Honorary Assis -tant Medical Officer (Tuberculosis) of the hospital was obtained by Dr. Hegde when he felt annoyed that his medical certificate was not accepted.

It is known that Sri Shamsuddin during the leave period was moving about as any other normal person on the roads of Mangalore.

Regarding "the helpless position of the medical practitioners etc." the Medical Practitioners had every opportunities to give medical

p.t.o.

help and there was no difficulty. The main trouble of Dr. Hegde seems to be "to obtain necessary leave for them simply because the District Medical Officer is not of his opinion even though expert opinion on his case supports his own opinion". The conflicting diagnosis of the family physician, Dr. Umesha Rao, LM&S.,TDD., Dr. V.R.Bhat is to be noted. Even from the report of the certificate of Dr. V.R.Bhat which contains mostly negative findings, I am at a loss to find how the diagnosis of tuberculosis was arrived at. It looks as if the chief difficulty of Dr. B.R.Hegde seems to be inability to get leave on medical certificate for his client. I had to keep the patient under observation and I did the proper thing under such circumstances according to the prevailing rules of the Government.

The last para. of the petition reveals what exactly Dr. Hegde desires "the matter is one which vitally effects the professional independence of the medical practitioner", i.e., obtaining the leave for his clients - this is the question of Dr. Hegde which is beyond my purview and not any infringement of the medical ethics on my part. I would like to give an extract of the audit report for 1953 in P.&.T. Department (The Mai dated May.5th, 1954 - "Evasion of Basic leave rules")

"LEAVE RULES IRREGULARITY: -- Another glaring irregularity detected was the deliberate evasion of leave rules. Certain officials availed themselves of long spells of leave on medical grounds, joined duty for a short time (one day only in one case and four days in another) and again went on medical leave. All this was treated as separate spells of leave during which these officials became entitled to draw their full average pay instead of quarter average pay to which they would be entitled under the spirit (as opposed to the letter) of the leave rules.

This evasion of the basic leave rules was rendered possibly by the lack of vigilence on the part of the leave sanctioning authorities, who did not use their discretion while accepting fitness certificates by asking for them to be countersigned by a Government Medical Practitioner, before permitting resumption of duty after long spells of leave nor insisting on obtaining a second medical opinion before granting the second spel of leave after a short period of duty.

AN INSTANCE: -- One such employee remained on leave on medical grounds for 36 months partly on full average pay and partly on half after being on leave for 31 months and 18 days. This official joined dut for one day only and again went on leave and remained absent from work for 5 months on medical grounds.

The report said that the Director-General, Posts and Telegraph has assured the Audit department that such lapses on the part of the officers concerned would be dealt with suitably.

Further instructions were now issued to the leave sanctioning authorities to ensure that such evasion of the rules was prevented".

I would like to mention that my action in this connection is absolutely bonafide and done in my official capacity on a requisiton sent by the head of the district of the concerned department.

Probably the procedure of requisitioning itself is being questioned and hence my reply dated 15-5-54 requesting you to refer the matter to the Director of Medical Services. Evidently the person - the head of the department who issues the requisition is standing on the way of the medical practitioner, to treat his client and makes him helpless and adversely affects him to give leave for his client.

In conclusion I have to state that what I did was bonafide and I had not infringed the medical ethics as it is said that WHENEVER PRACTICALLY a practitioner occupying an official position he should communicate with the practitioner so as to give him the opinion of being present. In this case the patient was in the hospital from 22-12-53 to 29th December 1953 where the practitioners concerned are also working and also the Assistant District Medical Officer was working. In the case of the conflicting opinions of the various doctors I do not know whether I should have called all of them. As District Medical Officer I receive a good many requisitions and I have no appointed time to examine them due to the nature of my work and it is impracticable to fix up a time with medical

p.t.o.

practitioners concerned. In view of my above remarks I request that the matter may be dropped.

/True copy/

for Director of Medical Services

pvs/16-2.

OFFICE OF THE DISTRICT MEDICAL OFFICER
JAN 00007
SOUTH KANARA

Mangalore-3,
28th December 1954.

From:

Dr. B.R. Hegde, L.M.P.,
Hon. Assistant Medical Officer (V.D. Dept.),
Government Head Quarters Hospital,
Mangalore-1.

To:

The Secretary to Government,
Public Health Department,
Fort St. George,
Madras.

Through:

(1) The District Medical Officer,
South Kanara,
Mangalore.

(2) The Director of Medical Services,
Madras.

Most Respectfully Sheweth,

That I, as Registered Medical Practitioner, had submitted a petition to the President, Madras Medidal --- Council in February 1954 in connection with a Certificate issued by me to one of my private patients viz., D. M. Shamshuddeen, Clerk, Highways Department, Mangalore. A copy of the petition with enclosures is herein enclosed for favour of your reference.

2. The District Medical Officer in his confidential communication dated 11-9-1954 (copy enclosed) asked me to state the circumstances under which my petition was sent direct instead of through the Superintendent of the Hospital He further stated in the memo that the rules and regulations pertaining to sending of applications through the proper channel applied also to the Honorary Medical Officers.

3. In reply to the District Medical Officer's confidential communication, I submitted that my petition to the President, Madras Medical Council, was in my private

capacity and the same had nothing to do with my position as Honorary in the Government Head Quarters Hospital. A copy of my reply dated 15-9-1954 is enclosed.

4. To my great surprise and sorrow, I have been served with a confidential communication from the Director of Medical Services, Madras bearing No. R. 30952/E1/54 -- dated 29-10-1954 (copy enclosed) inflicting a warning that I should not adopt such a procedure in future.

5. The Director of Medical Services in his confidential communication cited above says that the explanation submitted by me to the District Medical Officer is not satisfactory; but he does not say why. He further says that the question on which my petition to the Madras Medical Council was sent is one connected with the hospital in-as-much-as certain allegations against the District --- Medical Officer were made in it in the matter of leave --- granted to a Government servant. In this connection, while I wish to categorically state that the presumptions of the Director of Medical Services are totally unfounded, I particularly wish to submit that what I did purely in my private capacity as a General Practitioner is sought to be misconstrued by the Department as an act done in my official capacity, simply because I happen to be an Honorary in a Government Hospital.

6. Under the rules, punishment of "Warning" is not an appealable punishment. But in the present case, warning has been administered arbitrarily. The Director of Medical Services did not frame any specific charge against me nor did he give me an opportunity to explain any such charge.

I therefore humbly request that the Government

may be pleased to kindly review the case in its true perspective and set aside the order of the Director of Medical Services and do me justice as I do not merit the punishment.

I further pray that I may be given an opportunity to represent my case in person, for which act of kindness and justice I shall remain grateful.

Yours faithfully,

Hon. Asst. Medical Officer,
V. D. Department,
Government Head Quarters Hospital,
Mangalore.

Copy submitted direct.

Mangalore-3,
15th February 1954.

From:

Dr. B.R. Hegde, L.M.P.,
Registered Medical Practitioner,
Mangalore-3.
(South Kanara District).

To:

The President,
Madras Medical Council,
Madras.

S i r,

I am constrained to place before the MadrasMedical Council the following facts for its careful consideration and suitable action.

One Sri D.M. Shamshuddeen, Clerk, Highways Department, in Mangalore has been under my treatment from about the --- middle of October 1953 for complaints of persistent cough and fever of about a month's duration. The previous history of the patient is that he was suffering from pleurisy with effusion in 1946 and had to be treated for about 18 months and again in 1951 he was treated for about four months for a re-activation of the disease.

On 17-11-1953 during the course of ambulatory treatment by me lasting for about a month, I got an X-ray photo of his lungs taken and also consulted Dr. M. Umesh Rao, L.M.& S., T.D.D. (Wales), Honorary Physician, Government Head Quarters Hospital, Mangalore and we came to the conclusion that the patient was suffering from Reactivation of Pulmonary Tuberculosis. A copy of the Medical opinion given by Dr. M. Umesh Rao dated 17th November 1953 is enclosed. In view of this finding, I advised the patient to take rest in bed and also to undergo treatment with immediate effect. Accordingly --- I issued him a certificate recommending leave for a period of two months from 17-11-1953. I stated in the certificate that the patient was suffering from chronic Bronchities, as Tubercule Bacilli were not seen in the sputum.

==2==

While he was under my treatment for Pulmonary Tuberculosis he received an order from his office directing him to appear before the District Medical Officer, South Kanara, Mangalore. I advised the patient to request the District Medical Officer to examine him at his residence as he was febrile at the time. On a written requisition to the District Medical Officer by the patient, Dr. M.J.C. Rebello, M.B.,B.S., D.T.C., District Medical Officer in charge, examined the patient in his house in my presence when the skiagrams of the chest of the patient were also made available to him. After examining the patient, Dr. Rebello was of opinion that he was suffering from Pulmonary Tuberculosis and recommended the leave for two months applied for by the patient.

While the patient was under my treatment he received another communication from his office asking him to appear before the District Medical Officer again. In obedience to the order, the patient Sri Shamshuddeen appeared before the District Medical Officer who admitted him into the --- Hospital and kept him under observation from 22-12-1953 when my treatment had to be discontinued. At this time i.e., on or about 20-12-1953 the patient had become afebrile and was also showing general improvement having been under treatment for more than one month by then.

It would appear that the District Medical Officer after keeping the patient under observation for one week discharged him from the Hospital declaring him fit for duty. But the Clerk did not join duty as he was diffident about his health and submitted a petition to his Department --- narrating the details of his sickness both present and past and requested the Head of his Office to sanction the leave already applied for by him. A copy of the said petition is enclosed.

He also came and told me that the District Medical Officer had declared him fit for duty but he was not feeling fit to work by joining duty and also complained that there was rise in temperature since his discharge from the Hospital. I was also not satisfied that he was in a fit condition to join duty. I asked him to record his temperatures in the evenings for a few days and on finding that it was showing a slight rise in the evenings directed him to Dr. V.R. Bhat, M.B.,B.S., T.D.D., Honorary Assistant Medical Officer, Tuberculosis Department, Government Head Quarters Hospital, Mangalore to examine the condition of the patient and also sought his opinion and advise for the management of the case. After making necessary investigations and examining the patient, Dr. V.R. Bhat recommended rest in bed and treatment for a further period of 10 weeks from 11-1-1954. Copies of his opinion and X-ray report are enclosed.

Accordingly the patient applied for a further extension of leave by three months from 11-1-1954 and the Highways Department has granted the leave applied for by the patient and also the further extension of leave by three months. The patient is again under my treatment.

I have narrated the above facts in detail in order that the Medical Council may fully realise the sad and helpless position in which a Medical Practitioner is placed inasmuch as he is unable to give medical help to patients under his treatment and to obtain necessary leave for them simply because the diztrict Medical Officer is not of his opinion even though expert opinion on his case supports his own opinion.

In the circumstances, I request that the Medical Council will appreciate the fact that this matter is one which vitally affects the professional independence of a Medical Practitioner and also that it adversely affect the liberty of patients of

selecting medical men of their own choice.

For purpose of your easy reference, I am stating below the various events in their chronological order:

1. Patient recommended for two months rest and treatment by me in consultation -- with Dr. M. Umesh Rao, L.M.& S., T.D.D. (Wales).	on 17-11-1953
2. Patient examined by Dr.W.J.C. Rebello, M.B.,B.S., D.G.C., District Medical --- Officer in charge, who confirmed the -- recommendation for two months leave.	On 4-12-1953
3. Patient examined by Dr. R.S. Keshavaraj, M.B.,B.S., District Medical Officer and declared fit for duty.	On 29-12-1953
4. Patient examined by Dr. V.R. Bhat, M.B., B.S., T.D.D. who found active lesions in both the lungs and recommended further rest and treatment for ten weeks.	On 11- 1-1954

In conclusion, I request that the above representation may receive your careful consideration as early as possible and in the meantime I may be kindly informed as to what --- other steps I should take in this matter to get the grievances redressed.

Yours faithfully,
(Signed) B.R. Hegde,
Registered Medical Practitioner.

Enclosures: Four.

Copy submitted to:

The Director of Medical Services, Madras for information.

(TRUE COPY) BRHegde
2.12.54

V.R. Bhat, M.B.,B.S., T.D.D.,
Hon. Asst. Medical Officer
(Tuberculosis Department)
Govt. Head Quarters Hospital.

Hamparkatta,
Mangalore, 11-1-1954.

This is to certify that I have today personally --- examined Mr. D.M. Shamsbuddeen, aged 50 years and find that he has tuberculosis infiltrations in the apices of both lungs, and in the infraclavicular region of the left lung. In my opinion he requires rest in bed and treatment for the next -- ten weeks.

(Signed) V. R. Bhat.

(TRUE COPY)
2.12.54

CHITRA X-RAY CLINIC.

Medical Officer
V.R. Bhat, M.B.,B.S.,T.D.D.

Hamparkatta,
Mangalore, S. Kanara.

Name: Mr. D.M. Shamshuddin. Age: 50. Sex: Male.

Address: Clerk, Divisional Engineer's Officer (Highways) Mangalore.

Case referred by Dr. B.R. Hegde, L.M.P., Mangalore.

Report on X-Ray Chest.

Thoracic cage and ribs. ...	Normal.
Trachee.	Normal.
Disphragam.	Normal.
Heart.	Normal.

	Right Lung.	Left Lung.
Cardio-phrenic Angle.	Clear.	Hazy.
Costo-phrenic Angle.	Clear.	Clear.
Hilar & Perhiler Regions.	Increased markings.	Increased markings.
Upper Zone.	Small spots of dense opacity in the spex.	Spots of opacity in the apex below the clavicle.
Middle Zone.	Nil.	Nil.
Lower Zone.	Nil.	Nil.

Diagnosis: Pulmonary Tuberculosis, chronic fibrotic type in the apices of both lungs and infraclavicular --- region of left lung.

Date: 11-1-1954.

(Signed) V.R. Bhat,
Medical Officer.

(TRUE COPY)

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CONFIDENTIAL.

Office of the District Medical Officer,
South Kanara, Mangalore, d/11-9-1954.

To:

Dr. P.R. Hegde, Honorary Asst. Medical Officer, Government Head Quarters Hospital, Mangalore.

Ref:- Your petition to the President, Madras Medical -- Council, Madras regarding Sri D.M. Shamshuddeen, Clerk, Highways Department.

It is observed that you had sent a petition to the President, Madras Medical Council, Madras direct in matters dealt with in the Hospital without the knowledge of the Superintendent of the Hospital. You are therefore requested to state the circumstances under which the petition was sent direct instead of forwarding through the Superintendent of the Hospital. The rules and regulations pertaining to the sending of application through the proper channel applies also to the Honorary Medical Officers.

The reply should reach this office within a week from the date of this reference.

(Signed)

District Medical Officer,
South Kanara, Mangalore.

(TRUE COPY)

P.R. Hegde

2/12/54

1 & B

CONFIDENTIAL.

Mangalore,
15th September 1954.

From:

Dr. B.R. Hegde, L.M.P.,
Hon. Asst. Medical Officer,
Government Head Quarters Hospital,
Mangalore.

To:

The District Medical Officer,
South Kanara District,
Mangalore.

Sir,

Ref:- Your communication marked "Confidential" and dated 11-9-1954.

I submit that my petition to the President, Madras Medical Council, regarding my private patient Sri D.M. Sham-Shuddeen Saheb, Clerk, Highways Department, Mangalore was sent in my private capacity as Medical Practitioner. My position as Honorary Assistant Medical Officer, Government Head Quarters Hospital, Mangalore has no relation to that petition.

Yours faithfully,
(Signed) B. R. Hegde,
Hon. Asst. Medical Officer.

(TRUE COPY) BRHegde 2/12/54

ie5

CONFIDENTIAL.

R. 38752-E1/54.

Office of the Director of Medical Services, Madras-6. D/29-10-1954.

Sub: Medical Institutions - Government Head Quarters Hospital, Mangalore - Issue of a Medical Certificate - Report of Dr. B.R. Hegde, Hon. Asst. Medical Officer, Venereal Diseases Department to the Registrar, Madras Medical Council, Madras.

Ref: Letter C/54 dated 28-9-1954 from the District Medical Officer, South Kanara, Mangalore.

The explanation of Dr. B.R. Hegde, Honorary Assistant Medical Officer, forwarded with his letter cited, is not satisfactory. The question on which the Honorary Assistant Medical Officer addressed the Registrar, Madras Medical Council, is the one connected with the Hospital, inasmuch as he has brought --- therein certain allegations against the District Medical Officer in granting leave to a Government Servant. The argument of the Honorary Assistant Medical Officer that his petition is one not connected with the Hospital is not therefore correct. The Honorary Assistant Medical Officer is, therefore, warned that he should not adopt such a procedure in future.

(By Order)

(Signed) H. Rajagopalan,
Assistant to the Director of Medical Services (Administration).

To

Dr. B.R.Hegde, Honorary Assistant Medical Officer.
Through
The District Medical Officer, South Kanara, Mangalore.

(True copy) B.R.Hegde 2/12/54

H.E.L.A. (Hr)

Memo No. 140-Hr/55-2-Health, dt 1-3-55

Hony. Medical Officers - Dr. B.R. Hegde, Hony. Asst. Medical Officer, Govt. Headquarters Hospital, Mangalore - petition against a warning issued to him.

pp. 29-31 Cy. Rep. from Dr. B.R. Hegde, petition dt. 28-12-55

pp. 21-27 Cy. from the DMS's ~~Endt~~. No. 3748-E2/55, dt 18-2-55.

The DMS is requested to inform the Hony. Asst. Medical Officer that the Govt. see no reason to interfere in the matter.

23/2/55

24.2.55

25-2-55

26.2.55

O/ DMS/dt 23.2.55

The DMS

Note: The DMS's letter at p. 21 Cy. and its enclosures at pp. 23-31 Cy. may be perused. The DMS's remarks and the remarks of the DMO., Mangalore (S. Kamath) at pp. 21-27 Cy. fully explain the case. In the circumstances stated therein, the request of Dr. B.R. Hegde, Hony. A.M.O. to set aside the 'warning' issued to him by the DMS., need not, it appears, be conceded.

p. 21 Cy.

p. 21 Cy.

C.No. 140/41

725/26-2

The draft Memo. above is accordingly submitted for approval. May be circulated to M(H).

28/2/55

VR
25/2/55

JS

26.2.55

24.2.55

M(H) approved
28/2

SECRETARY TO CABINET
1 MAR 1955
HEALTH EDN.